

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ESPERION THERAPEUTICS, INC.

Plaintiff,

v.

DAIICHI SANKYO EUROPE GMBH.,

Defendant.

Civil Action No: 1:23-cv-02568

**DECLARATION OF JORDAN D. WEISS
IN SUPPORT OF ORDER TO SHOW CAUSE FOR
SERVICE OF PROCESS BY EMAIL ON DEFENDANT**

I, Jordan D. Weiss, an attorney duly admitted to practice before the United States District Court for the Southern District of New York, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a partner in the law firm Goodwin Procter LLP, counsel to Plaintiff Esperion Therapeutics, Inc. (“Esperion”) in the above-captioned action. I am fully familiar with the facts set forth in this Declaration, which is based upon my personal knowledge.¹
2. On March 27, 2023, Esperion filed a Complaint for Declaratory Judgment against DSE relating to Esperion’s right to a \$300 million Regulatory Milestone Payment, as defined in the Agreement.

¹ Capitalized terms not otherwise defined herein shall have the meanings set forth in Esperion’s March 27, 2023 Complaint (Dkt No. 1).

3. Immediately after filing the Complaint with this Court on March 27, 2023, I emailed David Hille and Isaac Glassman, Partners at White & Case LLP and counsel to DSE, a copy of the Complaint and all related papers. In that same email, I asked Mr. Hille and Mr. Glassman “if you will accept service on behalf of DSE.”

4. Later that day, I received an email from Mr. Hille who acknowledged receipt of the Complaint, and stated, “I will come back to you regarding service. It may take a day or two because of travel schedules of my contacts at DSE.”

5. On March 30, 2023, I received an email from Mr. Hille to which he stated, “We are not authorized to accept service for DSE.”

6. Upon notification of unauthorized service from DSE’s counsel, I conferred with Goodwin’s team of experts with experience in service under the Hague Convention regarding the process on how to formally serve DSE. They explained to me that service through the Hague convention would be expected to take 4 months or longer.

7. On April 3, 2023, prior to filing the Order to Show Cause For Service of Process by Email on Defendant, I emailed the Proposed Order to Show Cause and the supporting papers to David Hille and Isaac Glassman.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

/s/ Jordan D. Weiss
Jordan D. Weiss

Dated: April 3, 2023